

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN MCGEE,

Plaintiff.

v.

CONYNGHAM TOWNSHIP,
CONYNGHAM TOWNSHIP BOARD
OF SUPERVISORS, CONYNGHAM
TOWNSHIP AUTHORITY,
SUPERVISOR LINDA TARLECKI,
individually and as supervisor,
SUPERVISOR TODD CROKER,
individually and as supervisor,
SUPERVISOR JOSEPH SHRINER,
individually and as supervisor,

Defendants.

No. 4:17-CV-01639

(Judge Brann)

ORDER

AND NOW, this 1st day of May 2018, in accordance with the Memorandum Opinion of this same date, **IT IS HEREBY ORDERED** that:

1. Defendants Conyngham Township, Conyngham Township Board of Supervisors, Conyngham Township Authority, Supervisor Linda Tarlecki, Supervisor Todd Croker, and Supervisor Joseph Shriner's Motion to Dismiss Plaintiff John McGee's Amended Complaint (ECF No. 9) is **GRANTED** in part and **DENIED** in part as follows:

- a. To the extent it seeks a more definite statement pursuant to Federal Rule of Civil Procedure 12(e), this Motion is denied;
 - b. Plaintiff's First Amendment retaliation claim, or count I, is dismissed without prejudice;
 - c. Plaintiff's Fourteenth Amendment substantive due process claim, or Count II, is dismissed without prejudice;
 - d. Plaintiff's defamation and intentional infliction of emotional distress claims, or Counts III and IV, are dismissed with prejudice against Conyngham Township, Conyngham Township Board of Supervisors, Conyngham Township Authority;
 - e. Plaintiff's intentional infliction of emotional distress claim, or Count IV, is dismissed without prejudice against Individual Defendants; and
 - f. Plaintiff's request for punitive damages under Section 1983 is dismissed without prejudice.
2. Plaintiff is **GRANTED** leave to file an Amended Complaint to correct the deficiencies outlined in my Memorandum Opinion **no later than twenty-one (21) days** from the date of this Order.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge